

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CLIFFORD JOHNSON,)	No. CV 15-3429 DDP (FFMx)
Plaintiff,)	ORDER SUMMARILY REMANDING
v.)	ACTION TO STATE COURT
GILES STEFHON BARNETT,)	
SHAJUAN ANDERSON,)	
Defendants.)	

The Court will remand this action to state court summarily because Defendants removed it improperly.

On May 7, 2015, Defendants Giles Stefhon Barnett and Shajuan Anderson, having been sued in what appears to be a routine unlawful detainer action in California state court (Los Angeles Superior Court Case No. 15R01471), filed a Notice of Removal of that action to this Court and also presented applications to proceed without prepayment of filing fees.

The Court has denied the applications under separate cover because the Court lacks jurisdiction over the action. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, as the Court has previously determined, Plaintiff could not have brought this action in federal court in the first place, in that Defendants do not competently allege facts supplying either diversity or federal-question jurisdiction, and

1 therefore removal is improper. 28 U.S.C. § 1441(a); *see Exxon Mobil Corp v. Allapattah*
2 *Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162 L. Ed. 2d 502 (2005). Even if
3 complete diversity of citizenship existed, the amount in controversy does not exceed the
4 diversity-jurisdiction threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the
5 contrary, the unlawful-detainer complaint recites that the amount in controversy does not
6 exceed \$10,000.

7 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
8 28 U.S.C. §§ 1331, 1441(b).

9 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
10 Court of California, County of Los Angeles, Santa Monica Courthouse, 1725 Main Street,
11 Santa Monica, California 90401 for lack of subject matter jurisdiction pursuant to 28
12 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to the state court;
13 and (3) that the Clerk serve copies of this Order on the parties.

14 IT IS SO ORDERED.

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16 DATED: 5/13/2015



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18 DEAN D. PREGERSON
19 United States District Judge

20 Presented by:

21
22 /S/ FREDERICK F. MUMM
23 FREDERICK F. MUMM
24 United States Magistrate Judge
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